

REMARKS

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over US patent No. 6,563,793 (hereinafter referred to as Golden) in view of US patent No. 7,359,984 (hereinafter referred to as Hackney). Reconsideration of the rejection and allowance of the pending claim is respectfully requested in view of the following remarks.

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art.

First Basis of Traversal

The Examiner concedes that Golden fails to describe or suggest each of the structural and/or operational relationships of the claimed invention. The Examiner applies Hackney to purportedly correct the deficiencies of Golden regarding the claimed invention. As elaborated in greater detail below, Applicant respectfully submits that Golden/Hackney either fails to constitute a *prima facie* combination of references for sustaining the §103 rejection or Hackney fails to correct the deficiencies of Golden regarding the claimed invention. Accordingly, in either case, the combination of Golden and Hackney fails to render unpatentable claim 4 under §103.

Golden et al describe that an object of their invention is to provide reserved bandwidth and quality and/or class of service (QOS/COS) reserved connections to a network in accordance with a reservation protocol, such as Reservation Protocol (RSVP). See col. 5, line 18 et. seq. of Golden. FIG. 7 of Golden shows than enhanced switches 56 are connected to a signaling interface 66 in Enterprise Control Point (ECP) 50 via a reserved signaling channel 58 to receive requests for a reserved connection and a reserved bandwidth. For example, a reserved connection between host 52 and router 54 would be identified by the address pair corresponding to host 52 and router 54. See connection pairs list 67 in FIG. 6. A desired bandwidth may be identified in bytes or packets per second. See Golden col. 11, line 8 et. seq.

Applicant respectfully notes that Golden expressly describes at col. 2, line 55 drawbacks that occur when using Differentiated Services (diff-serv) techniques in conjunction with RSVP for purposes of QOS/COS connections, such as “negative impact on the delivery and therefore the quality and/or level of the services”. See col. 3, lines 1-2.

The Examiner concedes that Golden is silent regarding any description regarding “modifying a DSCP field (Differentiated Services Code Point) in the header of the packet as a function of the receiving external interface”, as recited in the claimed invention. The Examiner purports that Hackney can be used to modify the primary reference, Golden, to meet the missing structural and/or operational relationships of the claimed invention.

As discussed in greater detail below, Applicant respectfully submits that the modification of Golden by Hackney, as proposed by the Examiner, does not meet the requirements of M.P.E.P. 2143.01 V.

In the present case, Hackney involves modifying a DSCP header message to correspond to the source of the message or correspond to the destination of the message. See Hackney col. 3, line 28 et. seq., and line 56 et. seq. However, such a modification by Hackney has little to do with the object of Golden. That is, Hackney’s modification is not effective to identify any reserved bandwidth and to identify any reserved connection pair. Thus, one skilled in the art would appreciate that modifying a DSCP header message, as described by Hackney, would render the prior art being modified (Golden) unsatisfactory for its intended purpose (providing requests configured to define reserved bandwidth and reserved connection pairs). Therefore, there is no suggestion or motivation to make the proposed modification.

Applicants further submit that the foregoing violation of M.P.E.P. §2143.01 V is substantial indicia that the Examiner has failed to articulate a reasoning with the “rational underpinning” required under MPEP 2143.01(IV). For example, in view of the foregoing considerations, there is no rational underpinning for the assertions provided by the Examiner in the last paragraph on page 4 of the Office Communication regarding the desirability of the combination of Golden and Hackney. As noted above, the method of Hackney in the system of Golden would not be effective to meet the object of Golden.

Second Basis of Traversal

The Examiner concedes that Golden fails to describe or suggest each of the structural and/or operational relationships of the claimed invention. The Examiner applies Hackney to purportedly correct the deficiencies of Golden regarding the claimed invention. As elaborated in greater detail below, Applicant respectfully submits that Hackney fails to correct the deficiencies

of Golden regarding the claimed invention. Accordingly, the combination of Golden and Hackney fails to render unpatentable claim 4 under §103.

The Examiner on page 5 of the Office Communication asserts that “Hackney discloses that . . . the DHCP (sic) field of the packet is modified for a non-intended use”. Applicant does not disagree from such an assertion by the Examiner. However, Applicant respectfully notes that one skilled in the art would appreciate that the foregoing disclosure of Hackney has little to do with the structural and/or operational relationships recited in the claimed invention. That is, Hackney may be useful to modify a DSCP header message to indicate the source or the destination of the message. However, this is very different and has essentially nothing to do with “based on the value uniquely assigned to the receiving external interface, identifying which external interface of the plurality of external interfaces received the IP signaling packet”, as set forth in the claimed invention. The value uniquely assigned to the receiving external interface does not identify a destination address to which the packet will be routed or a source address, as Hackney describes.

In view of the foregoing considerations, under either of the bases of traversal discussed above, it follows that the teachings of the combination of Golden and Hackney are not sufficient to render the claim *prima facie* obvious and the 103 rejection should be withdrawn.

(Please proceed to the next page.)

Conclusion

It is respectfully submitted that the claim pending in this application recites patentable subject matter, and it is further submitted that such a claim complies with all statutory requirements and thus such claim should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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